IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

Crl.MC.No. 2952 of 2004()

CC.338/2004 of JUDL. MAGISTRATE OF FIRST CLASS COURT-III, TRIVANDRUM

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PETITIONER: 2ND ACCUSED:

K.P. MOHANAN, (OWNER) ZERO B WATER
STATION, NILA, TECHNOPARK, THIRUVANANTHAPURAM
(M/S. PHILIP ENGINEERING SERVICE, KOIPPURATHU,
T.C.NO.4/248, AMBALANAGAR, KOWDIAR P.O.)

BY ADV. SRI.P.A.AHAMMED
SRI.M.SREEKUMAR

RESPONDENTS: STATE AND COMPLAINANT:

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. GOPINATHAN NAIR, FOOD INSPECTOR
MOBILE VIGILANCE SQUAD, THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SRI. AKBAR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

A.K. BASHEER, J.

CRL.M.C. NO. 2952 OF 2004

Dated this the 19th day of February, 2007

O R D E R

Petitioner, who is being prosecuted for offences punishable under Section 2(ia), 7(1), 16(1) a(1) Section 17 and Sub Rule 28 of Rule 49 & Rule 50 of the Prevention of Food Adulteration Act and the Rules has filed this petition under Section 482 of the Code of Criminal Procedure praying for quashing the above proceedings.

Having heard learned counsel for the petitioner and having perused the materials on record, I am of the view that no interference is warranted in the matter at this stage. Learned counsel for the petitioner submits that petitioner may be allowed to raise all the contentions before the Trial Court including the question of maintainability of the complaint. I find no reason why the court below shall not consider the various contentions that may be urged by the petitioner at the appropriate stage. With that liberty reserved in favour of the petitioner, this Crl.M.C. is closed. It is made clear that I have not considered the merits of any contentions raised by the petitioner in this petition.

A.K. BASHEER, JUDGE

vps

KURIAN JOSEPH, JUDGE

OP NO.

JUDGMENT

21st DECEMBER, 2006

A.K. BASHEER, JUDGE

vps

KURIAN JOSEPH, JUDGE

OP NO.

JUDGMENT

21st DECEMBER, 2006